

**Agricultural Marketing Service, USDA**

**§ 982.461**

**§ 982.454 Sureties acceptable to the Board.**

Bonds secured by cash, cashier's or certified checks, or by assets that are entirely separate and apart from the handler named in the bond may be accepted by the Board pursuant to § 982.54(a). As a condition of accepting any surety, the Board may require such financial statements or other information relating to the ability of such surety to guarantee a handler's bond as it deems necessary. Handlers are also required to submit F/H Form C to the Board to document the handler's execution of a bond.

[54 FR 46721, Nov. 7, 1989]

**§ 982.455 Exchange of certified merchantable hazelnuts withheld.**

Each handler desiring to exchange hazelnuts pursuant to § 982.55 shall prior thereto file a written notification with the Board setting forth for the respective quantities of hazelnuts involved in the exchange, the inspection certificate numbers, quantities, locations, and applicable lot numbers.

[54 FR 46721, Nov. 7, 1989]

**§ 982.456 Interhandler transfers.**

Each interhandler transfer of hazelnuts pursuant to § 982.56 (a) and (c) may be made upon notification to the Board in triplicate by the receiving handler on F/H Form 2 signed by both the transferring handler and the receiving handler which shall include the following information:

- (a) Date of transfer;
- (b) Names of the transferring and receiving handlers;
- (c) Locations between which the hazelnuts were transferred;
- (d) Whether uncertified inshell or certified merchantable;
- (e) Net weight of the hazelnuts transferred, by size and variety;
- (f) The inspection certificate, or lot number covering the hazelnuts; and
- (g) If certified merchantable, the name of the handler responsible for compliance with the applicable requirements pursuant to this part relating to such hazelnuts.

[54 FR 46721, Nov. 7, 1989]

**§ 982.460 Transfer of excess restricted credits.**

(a) *Notification.* Each handler having excess restricted credits who wants to transfer all or a portion thereof to another handler or handlers, may notify the Board accordingly. The Board shall make available to all handlers such information on a weekly basis.

(b) *Application.* Each handler who has excess restricted credits and desires to transfer them to another handler, may submit such request to the Board on F/H Form 3. This form shall include:

- (1) The name and signature of the handler requesting the transfer;
- (2) The name and signature of the designated handler to whom the transfer is to be made;
- (3) The amount of excess restricted credits to be transferred; and
- (4) Such other information as may be needed by the Board to enable the Board to effect the requested transfer of the excess restricted credits.

(c) *Transfer.* The Board shall transfer the requested amount of the excess restricted credits from one handler to a designated handler upon receipt of a completed F/H Form 3 together with such information as may be required by this section.

[37 FR 3630, Feb. 18, 1972, as amended at 54 FR 46721, Nov. 7, 1989]

**§ 982.461 Late payment and interest charges.**

The Board shall impose a late payment charge on any handler failing to pay his assessment within 30 days of the billing date shown on the handler's assessment statement received from the Board. Such amount shall be shown on the statement as the "Assessment Due". The late payment charge shall be 5 percent of the unpaid balance of that amount. In the event the handler fails to pay the delinquent amount, including the late payment charge, within 60 days following the billing date, an additional 1 percent interest charge shall be applied monthly thereafter to the unpaid balance, including any accumulated interest. Any amount paid by a handler as assessments, including any charges imposed pursuant to this paragraph, shall be credited when the

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payment is received in the Board's office.

[38 FR 5151, Feb. 26, 1973]

### § 982.466 Reports of inshell hazelnuts handled, shelled and withheld.

Each handler shall report to the Board monthly on F/H Form 1 and F/H Forms 1a through 1e, as applicable, the quantities of inshell hazelnuts handled or withheld for restricted use and all product shelled and certified since the last report. All reports shall be submitted to include transactions through the end of each month, or other reporting periods established by the Board, and are due in the Board office on the tenth day following the end of the reporting period. The quantities of inshell hazelnuts handled shall be reported by size. The respective quantities of merchantable or ungraded hazelnuts withheld as restricted product shall be reported separately, and with respect to hazelnuts certified for shelling, or certified kernels withheld, the kernel weight and inshell equivalent weight shall be reported separately by size.

[54 FR 46721, Nov. 7, 1989]

### § 982.467 Report of receipts and dispositions of hazelnuts grown outside the United States.

Each handler who receives hazelnuts grown outside the United States shall report to the Board monthly on *F/H Form 1f* the receipt and disposition of such hazelnuts. All reports submitted shall include transactions through the end of each month, or other reporting periods established by the Board, and are due in the Board office on the tenth day following the end of the reporting period. The report shall include the quantity of such hazelnuts received, the country of origin for such hazelnuts, inspection certificate number, whether such hazelnuts are inshell or kernels, the disposition outlet, and shipment date of such hazelnuts. With each report, the handler shall submit copies of the applicable inspection certificates.

[67 FR 5445, Feb. 6, 2002]

## 7 CFR Ch. IX (1–1–10 Edition)

### § 982.468 Report of hazelnut receipts, disposition, and inventory.

On or before January 15 and July 15, or any other date requested by the Board with the approval of the Secretary, each handler shall:

(a) Report to the Board on F/H Form 6 such handler's receipts and disposition of inshell hazelnuts and production of hazelnut kernels during the respective preceding six-month period of July 1 to December 31, and the preceding 12-month period of July 1 to June 30; and

(b) Report to the Board on F/H Form 5 such handler's inventory of hazelnuts as of January 1 and July 1, respectively, showing the quantities of inshell hazelnuts separately in terms of certified merchantable, graded uncertified merchantable, restricted, and ungraded. The certified merchantable hazelnuts shall be reported on the basis of whether located within or outside the production area and whether or not the restricted obligation has been met.

[54 FR 46721, Nov. 7, 1989]

### § 982.471 Records.

Each handler shall maintain complete and accurate records showing the receipt, shipment and sale of all hazelnuts handled, used or otherwise disposed of and shall retain such records for the two-year period prescribed in § 982.71. Handlers shall also maintain a current record of all hazelnuts held in inventory.

[54 FR 46721, Nov. 7, 1989]

## PART 983—PISTACHIOS GROWN IN CALIFORNIA, ARIZONA, AND NEW MEXICO

### Subpart—Order Regulating Handling

#### DEFINITIONS

Sec.	
983.1	Accredited laboratory.
983.2	Act.
983.3	Affiliation.
983.4	Aflatoxin.
983.5	Aflatoxin inspection certificate.
983.6	Assessed weight.
983.7	Certified pistachios.
983.8	Committee.
983.9	Confidential data or information.
983.10	Department or USDA.